THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13543 OF 2006

04.07.2006

Between:

Neeta Vikram, S/o.Bagari Neeta Vishwanatham
And another

… Petitioners

AND

The Joint Collector, Hyderabad District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13543 OF 2006

ORDER:

The two petitioners are sons of one Bagari Neeta Vishwanatham, who had filed an application under Section 10 of A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Inams Act, for brevity) claiming Occupancy Rights Certificate (ORC) in respect of the land admeasuring Acs.1.20 guntas in survey No.110 situated at Macha Bollaram Village of Tirumalgherry Mandal in Hyderabad District. It is the case of the petitioners that after conducting enquiry, the Revenue Divisional Officer (Inams Tribunal) issued ORC vide proceedings dated 31.7.1997 and 17.11.2001. Aggrieved by the same, the third respondent preferred appeal in 2005 being case No.B2/6961/05 before the first respondent under Section 24 of the Inams Act. By impugned order dated 17.6.2005, the first respondent allowed the appeal of the third respondent and remanded the matter to the Inams Tribunal-cum-Revenue Divisional Officer (RDO) for fresh enquiry *inter alia* on the ground that the ORC came to be issued to the father of the petitioners without notice to the third respondent. The order of the Joint Collector is impeached in this writ petition.

Learned Counsel for the petitioners, Sri R.Narasimha Reddy, submits that the appeal filed by the third respondent was barred by limitation as contemplated under Section 24 of the Inams Act and, therefore, the first respondent could not have entertained the appeal filed after lapse of about four years. Secondly, he would urge that the name of the third respondent is nowhere recorded in the revenue registers and revenue records and, therefore, the question of issuing notice to the third respondent by the Inams Tribunal does not arise. Learned Counsel for the petitioners, however, fairly brought to the notice of this Court that the father of the petitioners filed a land grabbing case under A.P. Land Grabbing (Prohibition) Act, 1982 (LG Act, for brevity) being LGC No.16 of 2005 before the Special Court constituted under the LG Act and that the Special Court passed an interim order in I.A.No.376 of 2005 on 07.5.2005. It is now contended

that the third respondent clandestinely dispossessed the petitioners and plotting out the land with a view to sell out the same. If the matter is not interfered with, the proceedings before the Inams Tribunal-cum-RDO would be rendered useless.

It is the settled principle that when once the dispute is already seized of by other statutory authorities, ordinarily this Court cannot entertain a writ petition. Admittedly, the petitioners' father had already filed LGC and the proceedings before the Inams Tribunal-cum-RDO, Hyderabad, after remand by the first respondent, are still pending. Therefore, it is open to the petitioners to approach either the Inam Tribunal or the Special Court and obtain appropriate orders to prevent the third respondent from inducting third parties into the land. Except making such an observation, no relief can be granted in this writ petition.

The writ petition, with the above observations, is disposed of. No costs.

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(**V.V.S.RAO, J**)

July 04, 2006
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